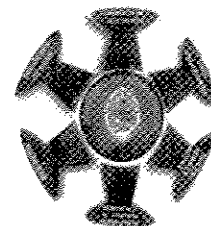




Felix P. Camacho
Governor
Michael W. Cruz, M.D.
Lieutenant Governor

GOVERNMENT OF GUAM
(*Gubetnomenton Guahan*)
DEPARTMENT OF ADMINISTRATION
(*Dipattamenton Atmenestrasion*)
Division of Public Transportation Services

P.O. Box 884, Hagatna, Guam 96932
Tel: (671) 475-4686/4616/4620/4603 Fax: (671) 475-4600



Lourdes M. Perez
Director
Joseph C. Manibusan
Deputy Director

Department of Administration-Division of Public Transportation Services (DOA-DPTS) Complaint Procedures and Form

Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by DOA-DPTS or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Program Coordinator II may be utilized for resolution, at any stage of the process. The Title VI Program Coordinator II will make every effort to pursue a resolution to the complaint.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the Director. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained of incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity (ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for DOA-DPTS to be able to process it.
 - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to DOA-DPTS for processing.
2. Upon receipt of the complaint, the Program Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of DOA-DPTS's sub-recipients of federal funds, DOA-DPTS

will assume jurisdiction and will investigate and adjudicate the case. Complaints against DOA-DPTS will be referred to the Office of the Attorney General, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.

3. In order to be accepted, a complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability, or retaliation.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
 - d. The complainant(s) must accept reasonable resolution based on DOA-DPTS's administrative authority.
4. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once DOA-DPTS decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will receive a case number and will then be logged in DOA-DPTS's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
6. In cases where DOA-DPTS assumes the investigation of the complaint, DOA-DPTS will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of DOA-DPTS's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where DOA-DPTS assumes the investigation of the complaint, within forty (40) calendar days of the acceptance of the complaint, DOA-DPTS's Investigator* will prepare an investigative report for review by the agency's Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. The investigative report and its findings will be sent to DOA-DPTS's Chief Planner for review. The Chief Planner will review the report and associated documentation and will provide input to the Investigator within ten (10) calendar days.
9. Any comments or recommendations from DOA-DPTS's Chief Planner will be reviewed by DOA-DPTS's Investigator. The Investigator will discuss the report and recommendations with the Director within ten (10) calendar days. The report will be modified as needed and made final for its release.
10. DOA-DPTS's final investigative report and a copy of the complaint will be forwarded to DOA-DPTS's Planner within 60 calendar days of the acceptance of the complaint. The Planner will share the report with FHWA and FTA as part of its Annual Title VI Update and Accomplishment Report.
11. DOA-DPTS will notify the parties of its findings, which are subject to concurrence from The Department of Administration's Director. Once the Director issues its final decision, DOA-DPTS will notify all parties involved about such determination. The DOA's Director final determination is not subject to an appeal.
12. The Grievance Review and Appeals Board (GRAB) will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by DOA-DPTS. GRAB will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

* This can be done by a designated staff of DOA-DPTS.